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6 UNITED STATES DISTRICT COURT  
7 EASTERN DISTRICT OF WASHINGTON  
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10 RICKY PATU,

11 Plaintiff,

12 v.

13 SGT. TORRESCANO,

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15 Defendant.  
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4:16-cv-05027-SAB

**ORDER DENYING LEAVE TO  
PROCEED *IN FORMA*  
*PAUPERIS* AND DISMISSING  
ACTION FOR FAILURE TO  
PAY FILING FEE**

18 By Order filed May 5, 2016, the Court directed Plaintiff Ricky Patu, a  
19 prisoner at the Washington State Penitentiary, to show cause why he should not be  
20 denied leave to proceed *in forma pauperis*. Plaintiff has filed nothing further in  
21 this action.

22 Plaintiff has not refuted the Court's finding that he is precluded from  
23 proceeding without prepayment of the filing fee under 28 U.S.C. § 1915(g), or that  
24 he has failed to present any facts to excuse the preclusive effects of this statutory  
25 provision. *See Andrews v. Cervantes*, 493 F.3d 1047, 1055-56 (9th Cir. 2007)  
26 (discussing imminent danger exception to three-strikes rule).

27 Therefore, **IT IS ORDERED** Plaintiff's application to proceed *in forma*  
28 *pauperis* is **DENIED**.

**ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND  
DISMISSING ACTION FOR FAILURE TO PAY FILING FEE -- 1**

1 Although granted the opportunity to do so, Plaintiff did not pay the \$400.00  
2 fee (\$350.00 filing fee, plus \$50.00 administrative fee) to commence this action.  
3 Therefore, **IT IS ORDERED** this action is **DISMISSED** for failure to comply  
4 with the filing fee requirements of 28 U.S.C. § 1914.

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
6 enter judgment, forward a copy to Plaintiff and close the file. The Court certifies  
7 any appeal of this dismissal would not be taken in good faith.

8 **DATED** this 7th day of June 2016.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

15 Stanley A. Bastian  
16 United States District Judge  
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